IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Civil Writ Petition No. 12 (S/B) of 2006

Shaikh Alam Giri
S/o Sri Abdul Mohammad
S.D.M. Khatima
District Udham Singh Nagar ... Petitioner

Versus

1. District Magistrate
   Udham Singh Nagar
2. District Magistrate, Pithoragarh
3. Principal Secretary Revenue
   Dehradun
4. Additional Secretary Revenue
   Dehradun ... Respondents

Sri L.P. Naithani learned senior counsel assisted by Sri S.S. Yadav learned counsel for the petitioner.
Sri K.P. Upadhyay, learned counsel for the respondent.

Hon'ble P.C. Verma, J.
Hon'bel B.C.Kandpal,J

By means of this writ petition, the petitioner has prayed for writ of certiorari quashing the order dated 24.12.2005 (annexure No. 1 to the petition) passed by respondent No. 4 and further a writ in the nature of mandamus directing respondent No. 3 to decide the representation dated 05.01.2006 of the petitioner.

2. We have examined thoroughly that the malafide as alleged in the writ petition has no nexus with the transfer order. The transfer is an exigency of service. The transfer order has been passed independently by the State Government.

3. Learned counsel for the petitioner submits that the petitioner is a heart patient and he may be permitted to make a representation to the State Government and the State

Government may consider his representation and post him anywhere else.

4. Therefore, it is provided that if a representation is made and it is found by the State Government that the petitioner suffers from ailment of heart, then he may be given a suitable posting keeping in view the ailment of the petitioner.

5. With the aforesaid observation, the petition is disposed of finally.

(B.C. Kandpal, J.) **(P.C. Verma, J.)**

23.02.2006
R.Dang